

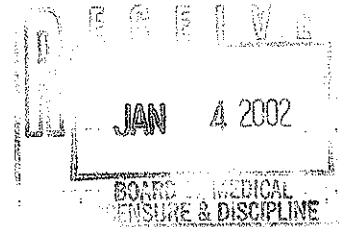
STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
D E P A R T M E N T O F H E A L T H



Safe and Healthy Lives in Safe and Healthy Communities

DEPARTMENT OF HEALTH,
BOARD OF MEDICAL LICENSURE AND
DISCIPLINE

No. C01-047



In the matter of:
Benjamin J. Contessa, M.D.
License #: MD 8301

Consent Order

Pursuant to R.I. Gen. Laws §5-37-5.2, 1956, as amended, (1995 Reenactment) and the State of New York, Department of Health notified the Board of Medical Licensure and Discipline that the Respondent had been subject to disciplinary action in New York. The Rhode Island Board of Medical Licensure and Discipline has jurisdiction to take reciprocal action by virtue of §5-37-5.1 of the General Laws. The following constitutes the Investigating Committee's Findings of Fact:

Findings of Facts

1. The Respondent, Benjamin Contessa, M.D., was charged by the State of New York, Department of health, Board of Professional Medical Conduct, with committing professional misconduct as defined in N.Y. Educ. Law §6530(8) by being a habitual user of alcohol, or being dependent on or habitual user of narcotics, barbiturates, amphetamines, or other drugs having similar effects, or having a psychiatric condition which impairs the licensee's ability to practice medicine.
2. The New York Order is incorporated and attached herewith.

The parties agree as follows:

CANNON BUILDING, Three Capitol Hill, Providence, Rhode Island 02908-5097
Hearing/Speech Impaired, Dial 711 or Call 1-800-745-5555 (TTY).
Web Site: www.health.state.ri.us

The Respondent is a physician with an inactive allopathic license No.8301. Respondent admits to the jurisdiction of the Board and hereby agrees to remain under the jurisdiction of the Board.

(1) Respondent has read this Consent Order and understands that it is a proposal of an Investigating Committee of the Board and is subject to the final approval of the Board. This Consent Order is not binding on Respondent until final ratification by the Board.

(2) Respondent hereby acknowledges and waives:

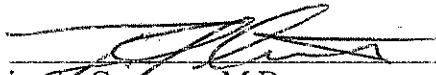
- a. The right to appear personally or by counsel or both before the Board;
- b. The right to produce witnesses and evidence in his behalf at a hearing;
- c. The right to cross examine witnesses;
- d. The right to have subpoenas issued by the Board;
- e. The right to further procedural steps except for specifically contained herein;
- f. Any and all rights of appeal of this Consent Order;
- g. Any objection to the fact that this Consent Order will be presented to the Board for consideration and review;
- h. Any objection to the fact that it will be necessary for the Board to become acquainted with all evidence pertaining to this matter in order to review adequately this Consent Order;

i. Any objection to the fact that potential bias against the Respondent may occur as a result of the presentation of this Consent Order.

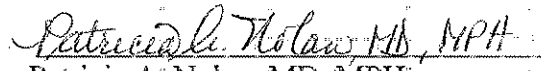
- (3) If the Consent Order is not accepted by the Respondent, the Investigative Committee will recommend to the Board that an Administrative Hearing be scheduled with respect to any and all acts of alleged unprofessional conduct. If the Board approves, a Hearing Committee will be convened for the purpose of conducting the Administrative Hearing. The composition of the Hearing Committee votes in favor or finding the Respondent guilty of unprofessional conduct as specified in the charges, the Board shall prepare written finding of fact and law in support of said conclusion. If the accused is found not guilty, the Board shall, forthwith, issue an order dismissing the charges.
- (4) Acceptance of this Consent Order constitutes an admission by the Respondent of the facts set forth herein.
- (5) This Consent Order shall become part of the public record of this proceeding once it is accepted by all parties and by the Board.
- (6) Failure to comply with this Consent Order, when signed and accepted, shall subject the Respondent to further disciplinary action.
- (7) Respondent shall be subject to the same restrictions and limitations as imposed by the State of New York. Additionally, the Respondent will waive any right to confidentiality regarding his health or treatment for substance abuse at the time he applies for licensure in Rhode Island.

regarding his health or treatment for substance abuse at the time he applies
for licensure in Rhode Island.

Signed this day of , 2001.


Benjamin Contessa, M.D.

Ratified by the Board of Medical Licensure and Discipline at a meeting held
on January 9 , 2002.


Patricia A. Nolan, MD, MPH
Director of Health